



PATENT  
Attorney Docket No. 101.0042-05000  
Customer No. 22882  
Express Mail No. EV 321 290 037 US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

47/185  
72403

In re Application of: )  
)  
Gary Karlin Michelson )  
)  
Serial No.: 10/098,683 )  
)  
Filed: March 15, 2002 )  
)  
For: SPINAL IMPLANT CONTAINING )  
BONE MORPHOGENETIC PROTEIN )

Group Art Unit: 3731

Examiner: U. Ho

RECEIVED  
JUL 23 2003  
TECHNOLOGY CENTER R3700

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(c)**

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(c), applicant brings to the attention of the Examiner the documents listed on the attached PTO 1449. This Information Disclosure Statement is being filed after the events recited in Section 1.97(b) but, to the undersigned's knowledge, before the mailing date of either a Final Action or a Notice of Allowance. Under the provisions of 37 C.F.R. § 1.97(c), this Information Disclosure Statement is accompanied by a fee of \$180.00 as specified by Section 1.17(p).

Copies of the listed documents are attached.

Applicant respectfully requests that the Examiner consider the listed documents and indicate that they were considered by making appropriate notations on the attached form.

Applicant brings to the Examiner's attention the following U.S. co-pending application and issued patents of applicant; the claims and drawings of which are attached hereto.

07/21/2003 RNEBRAHT 00000042 10098683

03 FC:1806

180.00 OP

NOT FOR PUBLICATION			
Examiner Initial	Application Number	Filing Date	Publication/Patent Number
	09/641,865	18AUG2000	NA
	08/926,334	05SEP1997	6,120,503
	09/126,585	31JUL1998	6,136,001

Applicant respectfully requests that the Examiner consider the documents listed above, indicate that they were considered by making appropriate notations in the appropriate column, and return a copy of this sheet to the Applicant.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute "prior art." If the Examiner applies any of the documents as prior art against any claims in the application and applicant determines that the cited documents do not constitute "prior art" under United States law, applicant reserves the right to present to the office the relevant facts and law regarding the appropriate status of such documents.

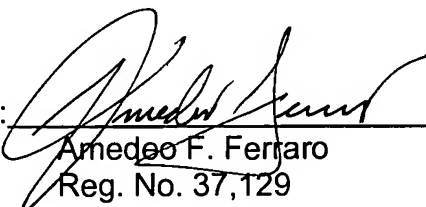
Applicant further reserves the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

If there is any fee due in connection with the filing of this Statement, please charge the fee to our Deposit Account No. 50-1066.

Respectfully submitted,

MARTIN & FERRARO, LLP

Date: 7-15-03

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